



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY.

सं. 16] नई दिल्ली, जुलाई 18—जुलाई 24, 2004, शनिवार/आषाढ़ 27—श्रावण 2, 1926
No. 16] NEW DELHI, JULY 18—JULY 24, 2004, SATURDAY/ASADHA 27—SRAVANA 2, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 जुलाई, 2004

आ. अ. 37.—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विभिन्न उत्तर प्रदेश राज्य से विभान सभा के उप निर्वाचन के लिए जो स्तम्भ (3) में विभिन्न निर्वाचन क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विभिन्न निर्वाचन लड़ने वाला प्रत्येक अध्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दर्शित अपने निर्वाचन व्यर्थों का लेखा दाखिल करने में असफल रहा है;

जबकि, उक्त अध्यर्थियों ने सम्बन्ध सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अवश्य स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अध्यावेदनों पर यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायीक्रिय नहीं है;

अतः अब, निर्वाचन आयोग एवंद्वारा उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विभिन्न व्यक्तियों को संसद के वित्ती भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्विहित घोषित करता है।

सारणी

क्रम	निर्वाचन क्षेत्र का विवरण	निर्वाचन क्षेत्र की क्रम संख्या	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरहता का कारण
सं.	और नाम		नाम व पता	
1	2	3	4	5
1.	उत्तर प्रदेश राज्य से विधान सभा के लिए उप निर्वाचन, 2003	401-हरौड़ा (अ.जा.)	अंजो, पापड़ेकी रसूलपुर, डा.-कैलाशपुर, सहारनपुर, उत्तर प्रदेश।	निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	-वही-	-वही-	चन्द्र प्रकाश, घोघरेकी डा.-सड़क दूधली, सहारनपुर, उत्तर प्रदेश।	-वही-

[सं० 76/उप्र०-वि०स०/2003(उप०)]

आदेश से,
आनन्द कुमार, निदेशक, (प्रशासन)-सह-प्रधान सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th July, 2004

O. N. 37.—Whereas, the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the Bye-elections to the Legislative Assembly in the State of Uttar Pradesh as specified in column (2) held from the Constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951 and the rules made thereunder as shown in column (5) of the said Table;

And, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notices and/or the Election Commission, after considering the representation made by them, if any is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either house of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order :

TABLE

Sl. No.	Particular of Election	Sl. No. & Name of Constituency	Name & Address of Contesting Candidates	Reason of Disqualification
1	2	3	4	5
1.	Bye Election to the Legislative Assembly of the State of Uttar Pradesh-2003.	401-Harora (SC)	Anjo, Paprekai Rasoolpur, Post-Kailashpur, Saharanpur, Uttar Pradesh.	Failed to lodge any account of his/her election expenses.
2.	-do-	-do-	Chander Prakash, Ghoghreki Post-Sarak Dudhli, Saharanpur.	-do-

[No. 76/UP-LA/2003(Bye)]

By Order,

ANAND KUMAR, Director (Admn.)-cum-Principal Secy.

आदेश

नई दिल्ली, 7 जुलाई, 2004

आ. अ. 38.—जबकि, निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश राज्य से फरवरी, 2002 में हुए विधान सभा के सामान्य निर्वाचन 142—सादुल्लानगर निर्वाचन क्षेत्र से निर्वाचन, लड़ने वाले अध्यर्थी श्री जावेद करीम, निवास—ग्राम दक्षिण टोल बंक—2, नवाबगंज, जिला—वाराणसी, उत्तर प्रदेश को लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित निर्वाचन व्यर्थों का कोई भी लेखा दखिल करने में असफल रहे;

और जबकि, उक्त अध्यर्थी ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई भी कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में श्री जावेद करीम को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. 76/उ.प्र.-वि.स/2002]

आदेश से,

आनन्द कुमार, निदेशक (प्रशासन)—सह-प्रधान सचिव

ORDER

New Delhi, the 7th July, 2004

O. N. 38.—Whereas, the Election Commission of India is satisfied that Shri Javed Karim, Residence-Village-South Toll Bunk-2, Nawabganj, Distt. - Barabanki, Uttar Pradesh a contesting candidate at the General Election to the Legislative Assembly in the State of Uttar Pradesh from 142-Sadullanagar Constituency held in February, 2002 has failed to lodge any account of election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And, whereas, the said candidate has not furnished any reason or explanation for the said failure even after due notices and the Election Commission, is thus satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares Shri Javed Karim to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

[No. 76/UP-LA/2002]

By Order,

ANAND KUMAR, Director (Admn.)-cum-Principal Secy.

नई दिल्ली, 16 जुलाई, 2004

आ. अ. 39.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग, 1999 की निर्वाचन अर्जी संख्या 29 में, कर्नाटक उच्च न्यायालय, बंगलौर का निर्णय तारीख 5 फरवरी, 2004 को इसके द्वारा यहां प्रकाशित करता है।

(निर्णय इस अधिसूचना के अंग्रेजी भाग में छपा है)

[सं. 82/कर्नाटक-लो.स./29/99/2001]

आदेश से,

तपस कुमार, सचिव

New Delhi, the 16th July, 2004

O. N. 39.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the order of the High Court of Karnataka, Bangalore, dated the 5th February, 2004 in Election Petition No. 29 of 1999.

IN THE HIGH COURT OF KARNATAKA, BANGALORE

Dated this the 5th day of February, 2004

BEFORE

THE HON'BLE MR. JUSTICE K. SREEDHAR RAO

EP NO. 29 OF 1999

BETWEEN:

1. Michael B. Fernandes
 S/o J. J. Fernandes
 Aged about 65 years
 No. 5, Myrtle Lane
 Bangalore—560 025

.....Petitioner

(By Smt. Pramila Nesargi—Sr. Advocate
 & M/s Geetha Menon & Associates)

AND:

1. C. K. Jaffer Sharief
 S/o Late C. Abdul Kareem
 Major
 No. 46, Haines Road
 Bangalore—560 005

2. L. Narayanaswamy
 S/o Shankarappa
 Major
 No. 196, 2nd Main Road
 Keb Colony, Goddalahalli
 Bangalore—560 094

3. M. Sundaramurthy
 S/o C. Masilamani
 Major
 No. 29, 12th Cross
 Vyalikaval
 Bangalore—560 003

4. K. N. Parameshappa
 S/o Narayanappa
 Major No. 10., Thandy Naral Street
 H A Farm Post
 Hebbal Kempapura
 Bangalore—560 024

5. Meer Layaq Hussain
 S/o M. M. Hussain
 Major
 DR. B. R. Ambedkar Medical College
 Men's Hostel, Room No 216, Shampur Road
 Arabic College Post, K. G. Halli
 Bangalore—560 045

6. The Election Commission
 Rep by its Chief Election Commissioner
 Nirvachan Bhavan
 New Delhi

7. Shri Mohammed Sanaulla
Returning Officer and Dy Commissioner
No 12, Bangalore North Parliamentary
Constituency, Bangalore.

8. Chief Electoral Officer
State of Karnataka
Cubbonpark
Bangalore-560001

----Respondents

(By SRI VENKATESHWAR N K & H. D. AMARNATHAN & MADHUMITA BAGCHI FOR R-1, SONNEGOWDA FOR R-2)

This Election petition filed under Section 81 of the Representation of People Act, 1951, by the Petitioner/candidate at 1999 General Election to the House of People from No. 12 Bangalore North Parliamentary Constituency held on 11-9-1999 through his advocates Smt. Pramila Nesargi, Ms. Geetha Menon and S. Balaji with a prayer to (a) Declare that the declaration of result of Respondent No. 1 from No. 12 Bangalore North Parliamentary constituency as null and void (b) direct repoll of the No. 12 Bangalore North Parliamentary constituency (c) declare that the section 61 (a) of the Representation of Peoples Act and consequent rules under Chapter 2 of the Conduct of Election Rules, 1961 as unconstitutional (d) declare that the elections under Electronic Voting Machine held in No. 12 Bangalore North Parliamentary Constituency as null and void (e) Award costs of the Petition to the petitioner and (f) grant such other reliefs as the Hon'ble court deems fit under the facts and circumstances of the case.

This petition coming on for hearing this day the court made the following :

ORDER

This Election Petition does not only challenge the integrity of the election of the first respondent but also the efficacy and integrity of the electronic voting machine used in the election of Yelahanka Parliamentary Constituency. The Petitioner is the unsuccessful contestant at the 13th Lok Sabha Parliamentary Election held on 6-10-1999. The first respondent is the successful candidate. The respondents 2 to 5 are the other contesting candidates. Respondents 6 to 8 are Election Commission and its officers. This court deleted respondents 6 to 8 not necessary parties. The Supreme Court confirmed the order.

2. The gist of the objections raised by the petitioner in the election petition disclose that the amendment to Representation of Peoples Act by incorporating section 61A and making provision for use of electronic voting machines and the consequent amendment to Rules is bad in law as it permits arbitrariness and ultra vires the Constitution. An election conducted with the aid of electronic voting machine does not ensure the free and fair polling and counting, in view of the inherent defects in the electronic voting machine. It is also contended that electronic voting machine is vulnerable to tampering. Besides it is alleged that on account of the inherent errors in the electronic voting machine, there has been no proper counting of the votes.

3. The first respondent has denied the allegations made in the petition. The following issues were framed by my predecessor:

1. Whether the petitioner proves that there has been non-compliance of the provisions of the Constitution, Act, rules or orders made under the Act from the time of polling to counting resulting in materially affecting the result of the election in so far as the first respondent is concerned ?
2. Whether S. 61 of the Representation of Peoples Act and consequent rules under Chapter 2 of the Conduct of Election Rules, 1961 is ultra-vires the constitution ?
3. Whether the petitioner proves that elections held to No. 12, Bangalore North Parliamentary Constituency by using the Electronic voting machines is null and void ?
4. Consequently, whether the petitioner is entitled for a declaration that the result of the 1st respondent electing him from No. 12 Bangalore North Parliamentary Constituency is liable to be declared as null and void ?
5. Whether the petitioner has made out a case for re-poll ?
4. In view of the disputed contentions, an additional issue is framed in the following manner :
Whether the electronic voting machines used in the conduct of the election is vulnerable to mischief of whether the electronic voting machine has in-build safeguards of tamper proof ?

5. This case as usual of the civil litigations does not stand out as an exception for expeditious disposal. By the time the evidence is commenced and concluded, the political scenario of the country has undergone a through change, threatening a premature dissolution of Lok Sabha. In view of the changed context, the Counsel for the petitioner submits that factual contentions regarding impropriety and illegality of election canvassed in the petition are given up and confine to challenge only on the legal aspects and feasibility of the use of electronic voting machines in the election process.

6. The Supreme Court in Mohinder Singh Gill V. Chief Election Commissioner, New Delhi (1978) 2 SCR 272, (AIR 1978 SC 851) with lucidity has explained the scope and powers of the Election Commission while interpreting article 324 of the Constitution. Primarily the Legislature has to frame Rules regarding the superintendence, control and conduct of elections. Any gray area not covered by the rules, the Election Commission is empowered to regulate with the approval of the Government. The Election Commission cannot conduct itself over riding the provisions of the Act and the Rules.

7. In A. C. Jose V. Sivan Pillai and others, AIR 1984 SC 921, for the first time the legitimacy of user of electronic voting machine in an election came in question. The Supreme Court held that in the existing structure of Act and Rules, there is no provision for using electronic voting machine without necessary amendment and such a user was held to be bad in law. The Supreme Court further in para 36 listed out the serious faults in the use of electronic voting machine and found that with such defects it would not be advisable to use the electronic voting machine in the election.

8. Much water has flown under the bridge. There has been a tremendous advancement in the electronic technology. The electronic voting machine used in the election during 1982 is an obsolete model. The Scientist who is one of the co-designer of the electronic voting machine is examined as a court witness and his evidence unflinchingly supports the feasibility of use electronic voting machines in the election. The defects of the machine pointed out in A. C. Jose's case no longer remain relevant. The present improved version of E.V.M. takes care of all those defects. The amendment to the People Representation Act and Rules is carried out pursuant to the observations of the Supreme Court. Therefore it is untenable to contend that the amendment of the Act and Rules is ultra vires and bad in law.

9. About the functional efficacy of E.V.M., one of the scientists of the Bharat Electronic Limited (in short B.E.L.), who is the co-designer of the machine is examined as a court witness. The following is the gist of his evidence:

Voting machine has two major units: one is control unit and other is balloting unit. Control unit is handled by the Presiding Officer, who is in-charge of the Polling Booth. The control unit has all the intelligence in-built. The ballot unit is a dummy unit or otherwise called non-intelligence unit. The ballot unit has buttons and a lamp for each candidate arranged in a line. The ballot unit is kept in the polling compartment, 5 meters away from the control unit. The ballot Unit has a cable permanently attached. At the time of polling, the cable is connected to the control unit when the voter press the button casting the vote to a candidate, he lamp by the side of the button will glow to indicate that the voting done is proper and simultaneously in the control unit a beep sound is heard to a range of 30 ft. The control unit functions in a non-reversible cycle of voting process.

After the publication of the list of the candidates, the Returning Officer sets the number of contesting candidates in the control unit, which functions on a battery specially manufactured and supplied by B.E.L. The effective life of the battery is 48 hours of continuous functioning. In the balloting unit the printed ballot sheet is put behind the transparent screen. The balloting unit is capable of handling the ballot sheet containing 16 contestants and on the whole EVM is designed to handle a maximum of 64 contestants at an election. The balloting unit has got 16 buttons operable through a panel cut out. After inserting the balloting paper in the ballot unit, the Returning Officer closes the lid and put a seal provided by the election commission in presence of the candidates/their agents. The lid and the flaps once closed and sealed cannot be opened without tampering the seal. The Returning Officer simultaneously will set the control unit to receive the information about the number of candidates contesting in the election. By pressing the last "Cand set" button in the control unit, the number of contesting candidates is recorded. The candidate set compartment of the control unit is closed and sealed in the presence of the candidates/their agents. Thereafter the control unit and the balloting unit are put separately in a carrying cases and are sealed by the Returning Officer in presence of the candidates/agents. The carrying cases containing control unit and balloting Unit are delivered to the Presiding Officers on the previous day to the election and would be carried to the polling booth.

The polling Officer will verify the seals of the carrying cases, take out the control unit and balloting unit, verify the correctness of the seals. An hour before the polling time, mock poll is conducted to verify the functional capacity. The agents/candidates are asked to press the button in the balloting unit to cast their votes. Later on the "result button" in the micro controller is pressed which display the number of votes polled. After demonstration of the correctness of the function, the 'clear button' is pressed which will erase all the data of the mock poll. After the mock poll, the Presiding Officer will close the result compartment by putting the seal provided by the election commission by which the voting machine is ready for polling.

The voter presents before the Presiding Officer, after verifying the identity, the Presiding Officer, will press the 'balloting button' in the control unit and send the voter to the polling cabin. When the voter press the 'balloting button'

casting vote to the candidate of his choice, the lamp by the side of the button will glow indicating the correctness of voting. The control unit will give a beep sound to indicate that the vote casted is registered in the control unit. For the next vote to be casted, again it is necessary that the 'ballotting button' in the control unit is to be pressed by the Presiding Officer, otherwise, mere pressing of button in the balloting unit by the voter will be of no consequence. For every next vote to be casted, it is necessary that the 'ballotting button' in the control unit is to be pressed by the Presiding Officer. After polling time is over 'close button' in the control unit is pressed by the Presiding Officer by which the machine gets locked. Thereafter, the balloting unit is disconnected from the control unit, they are separately packed in the carrying cases and sealed in presence of the agents by the Presiding Officer. Later on they are transported to the counting centers and ballot unit and control unit are kept in a strong room before they are taken to the counting centers. At the time of counting, seals put by the Presiding Officer to the control unit is verified to ensure that no tampering has taken place. When the 'result button' is pressed, machine will display the number of votes polled against each candidates sequentially.

Control unit has two main devices : one is micro controller and another is memory. Micro controller is one time programmable component. Micro controller once fused with program code and data is unchangeable and irreversible. The memory device is functionally efficient and retain the voting data without the aid of a battery. The micro controller will record and register the voting data by cross checking with the memory for every vote. The programme code is encrypted and stored in the memory. It is not possible to replace the memory device in order to play mischief. If the Memory device is removed, micro controller will detect and declare that the machine is in error state. The memory device and one time programmable micro controller are pivotal devices of the EVM and they act as tamper proof device for the programme code and poll data.

If a voter damages the button of the balloting unit or for accidental reason the button of the balloting unit gets struck. Such errors are indicated in the control unit. In such cases, a spare balloting unit is used. The sound of error message is heard in the control unit like a alert sound, simultaneously the display panel will show letter "PE" indicating that balloting unit has gone out of order. If the connecting cable is damaged or cut, letter "LE" is displayed in the display panel of the control unit with an alert sound and these are the possible errors that can happen during use of machine during polling. If there is any error in the memory device, the machine is declared dead. The weak battery can also lead to error and the panel display will indicate by six dash marks. The Presiding Officer will change the battery and continue polling. The defect in the battery is a rare phenomenon. If the machine is not functioning, there will be no battery consumption.

The Micro controller manufactured with a given programme code is only useful for EVMS made for the elections by the B.E.L. company and cannot be used for any other purpose. The programme code is encrypted by out-source agency in the presence of the responsible official of the BEL and the programme code is a business secret. Out-source agency would keep the encrypted data as utmost secrecy. It is further stated that the encrypted code and data is unchangeable and indelible by anybody, even by the manufacturer. Any attempt to tamper with the encrypted code would only result in damage to the machine. But the micro controller and memory cannot be manipulated by anybody. It is also stated that the EVM is tested to the temperature condition of -20 degree C to +55 degree C. and electromagnetic radiation also would not affect the functioning of the machine. The witness categorically states that either by manipulation or by accident there is no possibility of transfer of votes from one candidate to another and the machine designed is fully tamper proof.

10. The witness is cross-examined at length by the counsel for the petitioner and nothing is elicited in the cross-examination from the witnesses about the vulnerability of the machine. The evidence on the other hand fully inspires the confidence of the court that the EVMs are fully tamper proof. There is no possibility of manipulation or mischief at the instance of anyone. the Supreme Court in T.A. Ahammed Kabeer V.A.A. Azeez and others, AIR 2003, 2271, has approved the fact that in the present version of EVM used in the 1999 general election, it is possible to get at the disputed impersonated votes by decoding. However, it is not possible to identify the impersonator, that short coming is well with the manual ballot system also.

11. The evidence further discloses that the EVM has seeming advantage over the traditional manual ballot method. In the manual method, there is possibility of swift rigging at the end of polling time. But when the votes are cast through EVM there has to be necessary minimum time lag between one vote and the next vote. Therefore, when the EVMs are used, the mal-practice of rigging swiftly and quickly at the closing hours of the polling time stands avoided.

12. The EVMs have been put in use in the last general elections and in the last assembly elections in U.P. and other States. The practical wealth of experience has dispelled abundantly the theoretical unfounded apprehensions of the possible misuse. Cost-wise also, use of EVMs is economical. Traditional manual method involves huge cost towards printing charges and counting expenses. The said expenses will almost account to 30—40% of the election expenses. On

one time investment by purchasing required EVMs, the cost of general elections to parliament and assembly and by-elections would get largely reduced. The life span of EVM is 15 years.

13. The invention of EVM has an interesting history. According to the evidence of the witness CW. 1, the scientists of Bharath Electronics Limited developed electronic voting machine to handle the trade union elections. The election commission grasping the utility and its relevance to the country's general elections approached the B.E.L. for manufacturing a EVM suitable for the General elections. The scientists got involved themselves personally including C.W.1 in the general elections to study the nuances of the pattern and procedures of the elections. After thorough practical experimentation and research the present version of EVM is designed. This invention is undoubtedly a great achievement in the electronic and computer technology and a national pride. It has come in the evidence of the witness that countries like Singapore, Malasiya and U.S.A. are interacting with BEL for supply of EVMs suitable for their election requirements.

14. For the reasons and discussions made above, Issue No. 2 and Additional Issue is answered in Affirmative. Issue Nos. 1 and 2 and 4 pertain to the factual aspects of the election. In view of the imminent premature dissolution of Lok Sabha the Counsel has given up those issues. Accordingly, they are answered in Negative and the election petition is dismissed. In the circumstances, no order as to costs.

The Registry is directed to furnish the copy of this judgment to the counsel appearing for the petitioner, to enable to her to submit the same to the Election Commission.

Sd/-Judge
[No. 82/KT-HP/29/99/2001]
By Order,
TAPASKUMAR, Secy.

नई दिल्ली, 21 जुलाई, 2004

आ. अ. 40.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग महाराष्ट्र सरकार के परामर्श से एतदद्वारा श्री आर.के. भार्गव, आई.ए.एस. के स्थान पर श्री यू.पी.एस. मदान, आई.ए.एस. (एम. एच. : 83) को उनके कार्यभार ग्रहण करने की तारीख से आगामी आदेशों तक के लिए महाराष्ट्र राज्य के मुख्य निर्वाचन अधिकारी के रूप में नामित करता है।

2. श्री यू.पी.एस. मदान महाराष्ट्र सरकार के अधीन सभी पदभार या किसी कार्य के पदभारों को तत्काल सौंप देंगे या धारण करना समाप्त कर देंगे, जो कि वे ऐसा पदभार ग्रहण करने से पहले धारण कर रहे थे।

3. श्री यू.पी.एस. मदान, मुख्य निर्वाचन अधिकारी, महाराष्ट्र के रूप में कार्य करते हुए महाराष्ट्र सरकार के अधीन किसी भी प्रकार का कोई अतिरिक्त कार्यभार ग्रहण नहीं करेंगे सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन विभाग के प्रभारी, सरकार का सचिव पदाभिहित किया जायेगा।

[सं. 154/एम.टी./2004-का. प्रशासन]

आदेश से,

नरेन्द्र ना. बुटेलिया, अवर सचिव

New Delhi, the 21st July, 2004

O. N. 40.—In exercise of the power conferred by Sub-section (I) of Section 13A of the Representation of the People Act, 1950 (43 of 1950) the Election Commission of India in consultation with the State Government of Maharashtra hereby nominates Shri U.P.S. Madan, IAS (MH : 83), as the Chief Electoral Officer for the State of Maharashtra with effect from the date he takes over charge and until further orders vice Shri R.K. Bhargava, IAS.

2. Shri U.P.S. Madan shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of Maharashtra which he may be holding before such assumption of office.

3. Shri U.P.S. Madan while functioning as the Chief Electoral Officer, Maharashtra shall not hold any additional charge whatsoever under the Government of Maharashtra except that he should be designated Secretary to the Government in charge of Election Department in the State Secretariat.

[No. 154/MT/2004-P. Admn.]

By Order,

NARENDRAN BUTOLIA, Under Secy.